

Senate File 352 - Introduced

SENATE FILE _____
BY McCOY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act enhancing the criminal penalty for an assault on a transit
2 employee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2145XS 83
5 jm/nh/8

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1 1 Section 1. Section 708.3A, subsections 1 through 4, Code
2 2009, are amended to read as follows:
3 1. A person who commits an assault, as defined in section
4 708.1, against a peace officer, jailer, correctional staff,
5 member or employee of the board of parole, health care
6 provider, employee of the department of human services,
7 employee of the department of revenue, transit employee, or
8 fire fighter, whether paid or volunteer, with the knowledge
9 that the person against whom the assault is committed is a
10 peace officer, jailer, correctional staff, member or employee
11 of the board of parole, health care provider, employee of the
12 department of human services, employee of the department of
13 revenue, transit employee, or fire fighter and with the intent
14 to inflict a serious injury upon the peace officer, jailer,
15 correctional staff, member or employee of the board of parole,
16 health care provider, employee of the department of human
17 services, employee of the department of revenue, transit
18 employee, or fire fighter, is guilty of a class "D" felony.
19 2. A person who commits an assault, as defined in section
20 708.1, against a peace officer, jailer, correctional staff,
21 member or employee of the board of parole, health care
22 provider, employee of the department of human services,
23 employee of the department of revenue, transit employee, or
24 fire fighter, whether paid or volunteer, who knows that the
25 person against whom the assault is committed is a peace
26 officer, jailer, correctional staff, member or employee of the
27 board of parole, health care provider, employee of the
28 department of human services, employee of the department of
29 revenue, transit employee, or fire fighter and who uses or
30 displays a dangerous weapon in connection with the assault, is
31 guilty of a class "D" felony.
32 3. A person who commits an assault, as defined in section
33 708.1, against a peace officer, jailer, correctional staff,
34 member or employee of the board of parole, health care
35 provider, employee of the department of human services,
2 1 employee of the department of revenue, transit employee, or
2 2 fire fighter, whether paid or volunteer, who knows that the
2 3 person against whom the assault is committed is a peace
2 4 officer, jailer, correctional staff, member or employee of the
2 5 board of parole, health care provider, employee of the
2 6 department of human services, employee of the department of
2 7 revenue, transit employee, or fire fighter, and who causes
2 8 bodily injury or mental illness, is guilty of an aggravated
2 9 misdemeanor.
2 10 4. Any other assault, as defined in section 708.1,
2 11 committed against a peace officer, jailer, correctional staff,
2 12 member or employee of the board of parole, health care
2 13 provider, employee of the department of human services,
2 14 employee of the department of revenue, transit employee, or
2 15 fire fighter, whether paid or volunteer, by a person who knows
2 16 that the person against whom the assault is committed is a
2 17 peace officer, jailer, correctional staff, member or employee
2 18 of the board of parole, health care provider, employee of the

2 19 department of human services, employee of the department of
2 20 revenue, transit employee, or fire fighter, is a serious
2 21 misdemeanor.

2 22 Sec. 2. Section 708.3A, subsection 5, Code 2009, is
2 23 amended by adding the following new paragraph:

2 24 NEW PARAGRAPH. f. "Transit employee" means a person who
2 25 is employed by a firm, corporation, company, or municipality
2 26 and who operates a bus, trolley car, or other vehicle
2 27 primarily upon the streets and highways over well-defined
2 28 routes for the transportation of passengers.

2 29 EXPLANATION

2 30 This bill enhances the criminal penalty for an assault on a
2 31 transit employee.

2 32 The bill amends Code section 708.3A by adding a "transit
2 33 employee" to the list of occupations covered under Code
2 34 section 708.3A. The bill effectively increases the penalty
2 35 for most assaults knowingly committed against a transit

3 1 employee.

3 2 Under the bill, if a person assaults a transit employee
3 3 with the intent to inflict serious injury or displays a
3 4 dangerous weapon in connection with the assault, the person
3 5 commits a class "D" felony. If a person assaults a transit
3 6 employee and causes bodily injury or mental illness, the
3 7 person commits an aggravated misdemeanor. If the person
3 8 commits a simple assault on a transit employee, the person
3 9 commits a serious misdemeanor.

3 10 The bill defines a transit employee as a person who is
3 11 employed by a firm, corporation, company, or municipality and
3 12 who operates a bus, trolley car, or other vehicle primarily
3 13 upon the streets and highways over well-defined routes for the
3 14 transportation of passengers.

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